

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
San Francisco Division

RICARDO ALCIDES VASQUEZ CRUZ,

Plaintiff,

v.

MERRICK GARLAND, et al.,

Defendants.

Case No. 21-cv-07670-LB

**ORDER TO SHOW CAUSE**

Re: ECF No. 1

**INTRODUCTION**

Petitioner Ricardo Alcides Vasquez Cruz is a citizen of El Salvador and has been detained by Immigration & Customs Enforcement (ICE).<sup>1</sup> He filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 to challenge his detention.

The court may entertain a petition for a writ of habeas corpus under 28 U.S.C. § 2241 to review a bond hearing determination for constitutional claims and legal error. *Singh v. Holder*, 638 F.3d 1196, 1200 (9th Cir. 2011). “[A]lthough the Attorney General’s discretionary judgment . . . shall not be subject to review, claims that the discretionary process itself was constitutionally flawed are cognizable . . . .” *Id.* at 1202 (cleaned up). Because the petitioner

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<sup>1</sup> Pet. – ECF No. 1 at 6. Citations refer to material in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of documents.

claims his bond denial was legally erroneous and unconstitutional, this court has jurisdiction. A district court must “award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243.

The court adopts the parties’ stipulation to a briefing schedule: the government will file its return by October 29, 2021; the petitioner will file his traverse by November 8, 2021; and the hearing date will be November 18, 2021 at 9:30 a.m.<sup>2</sup> The court asks the petitioner to file a notice reflecting this briefing schedule that sets the hearing for November 18.

The court also asks the petitioner to lodge a chambers copy of the petition and exhibits by regular mail. If there are exhibits to the opposition, a chambers copy can be served by mail (although ordinarily, the government delivers a copy to the clerk’s office). For the traverse, under the local rules, the petitioner must lodge a chambers copy of the traverse and exhibits the next business day after filing. If there are no exhibits, the court can forego the chambers copy of the traverse.

**IT IS SO ORDERED.**

Dated: October 12, 2021




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LAUREL BEELER  
United States Magistrate Judge

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<sup>2</sup> Stipulation with Proposed Order to Set Briefing Schedule – ECF No. 8.